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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/300,042	04/27/99	THAGARD	G 3054/8

022440 TM02/0605
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EXAMINER	
CHOW, D	
ART UNIT	PAPER NUMBER
2675	11

DATE MAILED: 06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/300,042	Thagard et al.
Examiner	**Art Unit**
Dennis-Doon Chow	2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Apr 27, 2001*

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *31-64* is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *31-64* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a☐ approved b)☐disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)☐ All b) ☐ Some* c) ☐None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 31-34, 36-49, and 51-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch (5912653) in view of Branom (4709307).

Fitch discloses an apparel for a wearer comprising: jacket; a flexible electronic display (abstract) associated with the jacket, wherein the display being an LED display (Fig. 7); a memory; a control member; selection member; and an input means.

Fitch does not explicitly disclose the use of a fabric panel.

Branom, in the same display field, discloses a wearable and flexible display device comprising a fabric panel 17 (col. 4, lines 49-56), wherein the wearable display device can be attached to a T-shirt, a vest, a hat or a belt.

Therefore, it would have been obvious to one of ordinary skill in the art to use Branom's concept in Fitch's invention because it is know to mounting a flexible display on a fabric panel.

3. Claims 35 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch in view of Branom as applied to claims 31-34, 36-49, and 51-59 above, and further in view of Shanks et al. (5747928).

Fitch does not disclose the LED display being a light emitting polymer. However, using a light emitting polymer as a flexible display is well known in the art shown by Shanks. Therefore, it would have been obvious to one of ordinary skill in the art to use the known light emitting polymer in the invention of Fitch.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claim 60 is rejected under 35 U.S.C. 102(e) as being anticipated by Fitch.

Fitch discloses an apparel for a wearer comprising: jacket; a flexible electronic display (abstract) associated with the jacket, wherein the display being an LED display (Fig. 7); a memory; a control member; selection member; and an input means.

6. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch in view of Shanks et al.

Fitch discloses an apparel for a wearer comprising: jacket; a flexible electronic display (abstract) associated with the jacket, wherein the display being an LED display (Fig. 7); a memory; a control member; selection member; and an input means.

Fitch does not disclose the LED display being a light emitting polymer. However, using a light emitting polymer as a flexible display is well known in the art shown by Shanks. Therefore, it would have been obvious to one of ordinary skill in the art to use the known light emitting polymer in the invention of Fitch.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 31-34, 36-49, and 51-60 rejected under 35 U.S.C. 102(b) as being anticipated by Branom.

Branom discloses an apparel for a wearer comprising: a flexible LED display, wherein the display can attached to a T-shirt, a vest, a hat or a belt; a fabric panel; a memory; a control member; selection member; and an input means.

9. Claims 35, 50 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branom in view of Shanks et al.

Branom discloses an apparel for a wearer comprising: a flexible LED display, wherein the display can attached to a T-shirt, a vest, a hat or a belt; a fabric panel; a memory; a control member; selection member; and an input means.

Branom does not disclose the LED display being a light emitting polymer. However, using a light emitting polymer as a flexible display is well known in the art shown by Shanks. Therefore, it would have been obvious to one of ordinary skill in the art to use the known light emitting polymer in the invention of Branom.

10. Claims 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brucker et al in view of Fitch.

Brucker discloses apparatus for playing a war game comprising: a garment; an electronic display (indicator) form on the garment; a controller; a gun; and a sensor.

Brucker does not explicitly disclose the display being able to display images.

Fitch disclose a wearable and flexible display device being able to display a plurality of images.

It would have been obvious to one of ordinary skill in the art to Fitch's concept in Brucker's invention because Fitch's display device allows the apparatus to display a detail image.

11. Claims 62-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerber (5788500).

Gerber discloses apparatus for playing a war game comprising: a garment; an electronic display for displaying an image; a controller; a gun; and a sensor.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is (703) 305-4398.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

D. Chow
AU. 2675
June 1, 2001

DENNIS-DOON CHOW
PRIMARY EXAMINER